

103^D CONGRESS
1ST SESSION

S. 1454

To amend the Public Health Service Act with respect to research on breast cancer.

IN THE SENATE OF THE UNITED STATES

SEPTEMBER 14 (legislative day, SEPTEMBER 7), 1993

Mrs. BOXER introduced the following bill; which was read twice and referred to the Committee on Labor and Human Resources

A BILL

To amend the Public Health Service Act with respect to research on breast cancer.

1 *Be it enacted by the Senate and House of Representa-*
2 *tives of the United States of America in Congress assembled,*

3 **SECTION 1. SHORT TITLE.**

4 This Act may be cited as the “National Breast Can-
5 cer Strategy Act of 1993”.

1 **TITLE I—ESTABLISHMENT OF**
2 **OFFICE OF BREAST CANCER**
3 **AND NATIONAL BREAST CAN-**
4 **CER COMMISSION**

5 **SEC. 101. OFFICE OF BREAST CANCER.**

6 Title XVII of the Public Health Service Act (42
7 U.S.C. 300uu et seq.) is amended by adding at the end
8 the following new section:

9 **“SEC. 1709. ESTABLISHMENT OF OFFICE OF BREAST CAN-**
10 **CER.**

11 “(a) IN GENERAL.—There is established an Office of
12 Breast Cancer within the Office of the Assistant Secretary
13 for Health. The Office shall have a Director who shall be
14 appointed by the Secretary. The Secretary, acting through
15 the Director, shall carry out this section.

16 “(b) DUTIES.—The Secretary shall coordinate, in
17 conjunction with the Director of the National Cancer In-
18 stitute, the activities of the Institute relating to breast
19 cancer with similar activities of other agencies of the Fed-
20 eral Government, including the other agencies of the Na-
21 tional Institutes of Health, and with similar activities of
22 other public entities and of private entities.”.

1 **SEC. 102. ESTABLISHMENT OF NATIONAL BREAST CANCER**
2 **COMMISSION.**

3 Title XVII of the Public Health Service Act (42
4 U.S.C. 300uu et seq.), as amended by section 101, is
5 amended by adding at the end the following new section:

6 **“SEC. 1710. NATIONAL BREAST CANCER COMMISSION.**

7 “(a) ESTABLISHMENT.—There is established a com-
8 mission to be known as the ‘National Breast Cancer Com-
9 mission’ (in this section referred to as the ‘Commission’).

10 “(b) STUDY.—The Commission shall conduct a study
11 on current efforts in both the public and private sectors
12 relating to the prevention, early detection, treatment, edu-
13 cation, and research relating to breast cancer.

14 “(c) REPORT.—Not later than 1 year after the date
15 on which the initial appointments of the members have
16 been completed under subsection (d), the Commission
17 shall submit to the President and the Congress a report
18 containing—

19 “(1) the results of the study conducted under
20 subsection (b); and

21 “(2) recommendations relating to such study.

22 “(d) NUMBER AND APPOINTMENT.—

23 “(1) APPOINTMENT.—The Commission shall be
24 composed of 15 members as follows:

25 “(A) 5 members shall be appointed by the
26 President—

1 “(i) 3 of whom shall be—

2 “(I) the Secretary of Health and
3 Human Services;

4 “(II) the Secretary of Veterans
5 Affairs; and

6 “(III) the Secretary of Defense;
7 who shall be nonvoting members, except
8 that, in the case of a tie vote by the Com-
9 mission, the Secretary of Health and
10 Human Services shall be a voting member;
11 and

12 “(ii) 2 of whom shall be selected from
13 the general public on the basis of such in-
14 dividuals being specially qualified to serve
15 on the Commission by reason of their edu-
16 cation, training, or experience.

17 “(B) 5 members shall be appointed by the
18 Speaker of the House of Representatives on the
19 joint recommendation of the Majority and Mi-
20 nority Leaders of the House of Representatives.

21 “(C) 5 members shall be appointed by the
22 President pro tempore of the Senate on the
23 joint recommendation of the Majority and Mi-
24 nority Leaders of the Senate.

1 “(2) CONGRESSIONAL COMMITTEE REC-
2 ommendations.—In making appointments under
3 subparagraphs (B) and (C) of paragraph (1), the
4 Majority and Minority leaders of the House of Rep-
5 resentatives and the Senate shall duly consider the
6 recommendations of the Chairmen and Ranking Mi-
7 nority Members of committees with jurisdiction over
8 laws contained in chapter 17 of title 38, United
9 States Code (relating to veterans’ health care), title
10 XIX of the Social Security Act (42 U.S.C. 1901 et
11 seq.) (relating to Medicaid), and the Public Health
12 Service Act (42 U.S.C. 201 et seq.) (relating to the
13 Public Health Service).

14 “(3) REQUIREMENTS OF APPOINTMENTS.—The
15 Majority and Minority leaders of the Senate and the
16 House of Representatives shall—

17 “(A) select individuals who are specially
18 qualified to serve on the Commission by reason
19 of their education, training, or experience; and

20 “(B) engage in consultations for the pur-
21 pose of ensuring that the expertise of the 10
22 members appointed by the Speaker of the
23 House of Representatives and the President pro
24 tempore of the Senate shall provide as much of
25 a balance as possible and, to the greatest extent

1 possible, cover the fields of medicine, science,
2 law, ethics, health-care and social services.

3 “(4) TERM OF MEMBERS.—Members of the
4 Commission (other than members appointed under
5 paragraph (1)(A)(i)) shall serve for the life of the
6 Commission.

7 “(5) VACANCY.—A vacancy on the Commission
8 shall be filled in the manner in which the original
9 appointment was made.

10 “(e) CHAIRMAN.—Not later than 15 days after the
11 members of the Commission are appointed, such members
12 shall select a Chairman from among the members of the
13 Commission.

14 “(f) QUORUM.—7 members of the Commission shall
15 constitute a quorum, but a lesser number may be author-
16 ized by the Commission to conduct hearings.

17 “(g) MEETINGS.—The Commission shall hold its 1st
18 meeting on a date specified by the Chairman. After the
19 initial meeting, the Commission shall meet at the call of
20 the Chairman or a majority of its members, but shall meet
21 at least 3 times each year during the life of the Commis-
22 sion.

23 “(h) PAY.—Members of the Commission who are offi-
24 cers or employees or elected officials of a government en-

1 tity shall receive no additional compensation by reason of
2 their service on the Commission.

3 “(i) PER DIEM.—While away from their homes or
4 regular places of business in the performance of duties for
5 the Commission, members of the Commission shall be al-
6 lowed travel expenses, including per diem in lieu of sub-
7 sistence, at rates authorized for employees of agencies
8 under sections 5702 and 5703 of title 5, United States
9 Code.

10 “(j) DEADLINE FOR APPOINTMENT.—The members
11 of the Commission shall be appointed not later than 60
12 days after the date of the enactment of this section.

13 “(k) TERMINATION.—The Commission shall cease to
14 exist 60 days after the date on which its final report is
15 submitted under subsection (c).”.

16 **TITLE II—DUTIES OF DIRECTOR**
17 **OF THE NATIONAL CANCER**
18 **INSTITUTE RELATING TO**
19 **BREAST CANCER**

20 **SEC. 201. PROVISIONS FOR FULL FUNDING FOR NATIONAL**
21 **CANCER INSTITUTE WITH RESPECT TO RE-**
22 **SEARCH ON BREAST CANCER.**

23 Section 408(a)(1) of the Public Health Service Act
24 (42 U.S.C. 284c(a)(1)) is amended by adding at the end
25 the following subparagraph:

1 “(C) For the purpose of conducting and sup-
2 porting research on breast cancer through the Na-
3 tional Cancer Institute, there is authorized to be ap-
4 propriated for fiscal year 1994 an amount equal to
5 the sum of \$300,000,000 and the amount obligated
6 by such Institute for such research for fiscal year
7 1993. For such purpose, there are authorized to be
8 appropriated such sums as may be necessary for
9 each of the fiscal years 1995 and 1996.”.

10 **SEC. 202. DUTIES OF DIRECTOR.**

11 Subpart 1 of part C of title IV of the Public Health
12 Service Act (42 U.S.C. 285 et seq.) is amended by adding
13 at the end the following new section:

14 **“SEC. 417. DUTIES OF DIRECTOR OF THE INSTITUTE RELAT-**
15 **ING TO BREAST CANCER RESEARCH.**

16 “(a) The Director of the Institute shall conduct and
17 support biomedical and behavioral research and research
18 training, the dissemination of health information, and
19 other programs with respect to breast cancer.

20 “(b) In carrying out subsection (a), the Director of
21 the Institute shall conduct or support multidisciplinary
22 clinical research on breast cancer, including research on
23 assisting individuals with such cancers (and the families
24 of such individuals) and with responding to psychological
25 and social problems that arise as the result of the cancer.

1 “(c)(1) The Director of the Institute shall establish
2 the Rose Kushner Scholarship Program for the purpose
3 of entering into contracts with individuals under which—

4 “(A) the Director of the Institute agrees to pro-
5 vide to the individuals scholarships for attendance at
6 accredited health professions schools; and

7 “(B) the individuals agree—

8 “(i) to complete the programs of education
9 for which the scholarships are provided;

10 “(ii) to complete a program of post-
11 graduate clinical training in oncology; and

12 “(iii) after completing a program of such
13 training, to serve as employees of the National
14 Institutes of Health, for the period described in
15 paragraph (2), in positions that are needed by
16 such Institutes in carrying out programs with
17 respect to breast cancer.

18 “(2)(A) For purposes of paragraph (1)(B)(iii), the
19 period of service for which an individual is obligated to
20 serve as an employee of the National Institutes of Health
21 is 12 months for each academic year for which the scholar-
22 ship under such subsection is provided.

23 “(B) The Director of the Institute may defer the obli-
24 gation of an individual to provide a period of service under

1 paragraph (1)(B)(iii), if the Director determines that such
2 a deferral is appropriate.

3 “(C) For any period in which an individual provides
4 service as an employee of the National Institutes of Health
5 in satisfaction of the obligation of the individual under
6 paragraph (1)(B)(iii), the individual may be appointed as
7 such an employee without regard to the provisions of title
8 5, United States Code, relating to appointment and com-
9 pensation.

10 “(3)(A) The Director of the Institute may not provide
11 a scholarship under paragraph (1) for an academic year
12 unless—

13 “(i) the individual applying for the scholarship
14 has submitted to the Director a proposed academic
15 program for the year and the Director has approved
16 the program; and

17 “(ii) the individual agrees that the program will
18 not be altered without the approval of the Director.

19 “(B) The Director of the Institute may not provide
20 a scholarship under paragraph (1) for an academic year
21 unless the individual applying for the scholarship agrees
22 to maintain an acceptable level of academic standing, as
23 determined by the educational institution involved in ac-
24 cordance with regulations issued by the Secretary.

1 “(4)(A) The Director of the Institute may not provide
2 a scholarship under paragraph (1) for an academic year
3 in an amount exceeding \$10,000.

4 “(B) A scholarship provided under paragraph (1)
5 may be expended only for tuition expenses, other reason-
6 able educational expenses, and reasonable living expenses
7 incurred while attending the health professions school in-
8 volved.

9 “(C) In the case of a health professions school with
10 respect to which a scholarship under paragraph (1) is pro-
11 vided, the Director of the Institute may enter into a con-
12 tract with the school under which the amounts provided
13 in the scholarship for tuition and other educational ex-
14 penses are paid directly to the school. Payments to the
15 school under the contract may be made without regard
16 to section 3324 of title 31, United States Code.

17 “(5) The provisions of section 338E shall apply to
18 the program established in paragraph (1) to the same ex-
19 tent and in the same manner as such provisions apply to
20 the National Health Service Corps Loan Repayment Pro-
21 gram established in section 338B.

22 “(6) The Director of the Institute may not provide
23 a scholarship under paragraph (1) unless an application
24 for the scholarship is submitted to the Director and the
25 application is in such form, is made in such manner, and

1 contains such agreements, assurances, and information as
2 the Director determines to be necessary to carry out this
3 section.

4 “(d)(1) The Director of the Institute shall, subject
5 to paragraph (2), carry out a program of entering into
6 contracts with appropriately qualified health professionals
7 under which the professionals agree to carry out activities
8 with respect to breast cancer as employees of the National
9 Institutes of Health in consideration of the Federal Gov-
10 ernment agreeing to pay, for each year of such service,
11 not more than \$20,000 of the principal and interest of
12 the educational loans of the professionals.

13 “(2) The Director of the Institute may not enter into
14 a contract with a health professional pursuant to para-
15 graph (1) unless the professional has a substantial amount
16 of educational loans relative to income.

17 “(3) Except to the extent inconsistent with this sec-
18 tion, 338E shall apply to the program established in para-
19 graph (1) to the same extent and in the same manner as
20 such section applies to the National Health Service Corps
21 Loan Repayment Program established in section 338B.”.

1 **SEC. 203. SPECIALIZED PROGRAMS OF RESEARCH EXCEL-**
2 **LENCE WITH RESPECT TO BREAST, LUNG,**
3 **AND PROSTATE CANCER.**

4 Section 408(a)(1) of the Public Health Service Act,
5 as amended by section 201, is amended by adding at the
6 end the following subparagraph:

7 “(D)(i) For the purpose of carrying out not less
8 than 10 programs for research on breast cancer,
9 lung cancer, or prostate cancer under the programs
10 designated by the Director of the National Cancer
11 Institute as the Specialized Programs of Research
12 Excellence, there is authorized to be appropriated
13 such sums as may be necessary for each of the fiscal
14 years 1994 through 1996.

15 “(ii) With respect to the purpose described in
16 clause (i), the authorizations of appropriations es-
17 tablished in such clause may not be construed as
18 terminating the availability for such purpose of any
19 other authorization of appropriations (including the
20 authorization established in subparagraph (A)).”.

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